HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.9236 of 2006

Dated:13.10.2006

Between:

Smt.K.Subba Lakshmi.

…Petitioners

and

The Revenue Divisional Officer and others.

…Respondent

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.9236 of 2006

ORDER:

The father of the petitioner, Venkata Reddy, filed L.G.O.P.No.66 of 1987 on the file of the Court of the Special Tribunal constituted under the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982 (the Act, for brevity). He sought for a declaration and direction to evict those persons who grabbed the land in Survey No.1168 belonging to him. After conducting regular enquiry/trial, the learned Special Tribunal allowed the same, on 17.04.1990. An appeal, being L.G.A.No.4 of 1990, was filed before the Special Court, Hyderabad. The order of the Special Tribunal was confirmed on 08.11.1991. Thereafter, the petitioner herein, who came on record as the sole legal representative of the deceased Venkata Reddy, filed I.A.No.612 of 1999 before the Special Court for implementation of the orders of the Special Tribunal. The same was disposed of on 13.12.2001 observing that the petitioner should approach the Special Tribunal for compliance, and the Special Court also directed the Revenue Divisional Officer, Guntur, to submit compliance report to the Special Tribunal. The same was not done. Therefore, the petitioner again filed I.A.No.1078 of 2004 before the Special Tribunal, Guntur. By an order dated 25.01.2005, the Special Tribunal partly allowed

I.A.No.1078 of 2004 observing that the petitioner has to approach the Revenue Divisional Officer for taking necessary steps for taking possession of the land, which was actually not in possession of the opposite parties in L.G.O.P.No.66 of 1987. The petitioner then approached the Revenue Divisional Officer, in vain. Therefore, the present Writ Petition is filed seeking a direction to the first respondent herein, namely the Revenue Divisional Officer, Guntur, to take necessary action for handing over the land, which is covered by the orders of the Special Tribunal in L.G.O.P.

At the time of making submissions the learned Counsel for the petitioner and the learned Assistant Government Pleader for Revenue (Assignment) brought to the notice of this Court the order passed by this Court in W.P.No.6921 of 2006, dated 13.04.2006. The said Writ Petition was filed by as many as 30 persons claiming/alleging to be in possession of the land situated at Bhavaji Nagar, Sangudigunta, Guntur, which was the subject matter of the L.G.O.P. They alleged that without notice, the respondents are trying to execute the orders of the Tribunal. This Court disposed of the matter directing the Revenue Divisional Officer and the Mandal Revenue Officer to serve a copy of the authorization issued by the Revenue Divisional Officer under Rule 15(2) of the Andhra Pradesh Land Grabbing (Prohibition) Rules, 1988 (for short 'the Rules'), and take necessary action for evicting those persons who are in possession of the grabbed land. However, this Court did not specifically fix any time. It is alleged now, for this reason the Revenue Divisional Officer is not taking any steps to proceed further in accordance with Rule 15(2) of the Rules.

In view of the facts narrated hereinabove, the learned Counsel for the petitioner submits that the Writ Petition may be disposed of directing the Revenue Divisional Officer to implement the orders in the L.G.O.P as per the original order as well as the order in I.A.No.1078 of 2004 and as per the order of this Court in W.P.No.6921 of 2006, dated 13.04.2006.

Whenever an order or decree is passed by the Special Tribunal or Special Court, the said order has to be communicated to the Revenue Divisional Officer as required under Rule 15(1) of the Rules. The Revenue Divisional Officer is under the statutory duty to implement the order or decree of the Special Court or Special Tribunal duly following the procedure contemplated under sub Rules (2) to (7) of Rule 15 of the Rules duly issuing the authorization to any Revenue

Officer not below the rank of Revenue Inspector. If any person in occupation of the grabbed land refuses to deliver possession, the authorized Officer/deputed Officer can take possession after removing the obstruction or unauthorized occupation by taking necessary Police assistance. Therefore, unless and until, there is an order of stay injuncting the implementation of the order passed in the L.G.O.P as confirmed by the Special Court, the Revenue Divisional Officer is bound to implement the orders.

Therefore, this Writ Petition is disposed of directing the Revenue Divisional Officer, Guntur, to immediately take necessary action as per the orders passed by this Court in W.P.No.6921 of 2006, dated 13.04.2006, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

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(V.V.S.RAO, J)

13.10.2006

Note: Issue C.C in one week.

B/o.

vs